REMARKS

Claims 1, 3, 4, 7-9, 11 and 12 have been amended. The amendments are supported throughout the specification as filed. In particular, support for "highly stringent" hybridization conditions can be found, e.g., at page 16, lines 18-28; support for modification of "one to thirty" amino acids can be found, e.g., at page 8, lines 23-27. Other amendments have been made merely for clarity.

In response to the restriction requirement, Applicants elect Group 1, claims 1-7 and 12, in part, with traverse. Reconsideration and withdrawal of the restriction requirement is respectfully requested.

The present application is a U.S. National Stage application of PCT/JP99/05578. As the Examiner is aware, a restriction in this application must be governed by PCT Rule 13 regarding unity of invention, not by U.S. rules regarding patentable distinction (See MPEP §1850). Under PCT Rule 13, unity of invention exists when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. Special technical features are those technical features that define the contribution that the invention, as a whole, makes over the prior art. In addition, MPEP § 1850 states that "[u]nity of invention has to be considered in the first place only in relation to the independent claims in an international application and not the dependent claims."

In the instant application, all the claims are interrelated by the special technical feature of novel G protein coupled receptor proteins whose sequences are specifically recited in claim 1. In particular, the DNAs of claim 12 encode the proteins of claim 1 (claims 1 and 12 being the only independent claims, and therefore the only claims in reference to which unity should be analyzed). The dependent claims cover compositions that are defined in reference to the proteins of claim 1, or methods that utilize the proteins of claim 1. The Examiner has provided absolutely no evidence that this common feature (i.e., novel G protein coupled receptor proteins recited in claim 1) does not define a contribution over the prior art. Accordingly, the claims satisfy the requirements of unity under PCT Rule 13.

The restriction requirement is flawed for several reasons. Although the Restriction Requirement purports to be made in accordance with PCT Rule 13.1, in fact it appears that the Examiner has improperly applied the U.S. one-way distinctness test to support the restriction.

The Examiner asserts that the restriction is proper because each group has technical features "not required by the other groups." However, as discussed above, the distinctness standard under MPEP 806.05(i) is not the proper standard for determining unity of invention for this application. The fact that the groups have some distinctive features (i.e., features "not required by the other groups," to use the Examiner's language) is not relevant under PCT Rule 13 as long as at least one novel technical feature is shared. Clearly, in the present case, the novel sequences recited in claim 1 provide the shared novel technical feature required for unity of invention.

Moreover, the Examiner's restriction of each of the species of G protein-coupled receptor of claim 1 into separate groups (groups I-VI) is improper. MPEP 1850 clearly provides that, under PCT Rule 13, "the requirement of a technical interrelationship and the same or corresponding special technical features as defined in PCT Rule 13.2, shall be considered to be met when the alternatives [in a Markush group] are of a similar nature." The alternatives are regarded as being of a similar nature where the alternatives have in common a property or activity and a significant structural element. In the present case, all the sequences recited in claim 1 share structural and functional elements. This much would be clear to a skilled artisan by the mere fact that claim 1 recites a "G protein-coupled receptor protein." Such proteins, by definition, share structural and functional elements as described, e.g., at page 5, line 21 to page 6, line 5, of the specification. Accordingly, the restriction of Groups I-VI should be withdrawn and all of the species recited in the claims should be examined together.

Furthermore, 37 C.F.R. 1.475, which governs unity of invention before the International Searching Authority, unequivocally indicates that or a national stage application will be considered to have unity of invention if the claims are drawn to a product, a process for the manufacture of the product, and a use of the product. Therefore, even if the claims were to be examined with respect to a single species recited in claim 1 (and Applicants do not agree that they should be so restricted), group I (protein) should be examined together with at least groups VII (method of making the protein), and VIII and IX (methods of using the protein for screening). Similarly, group X (antibody that recognizes the protein) and group XI (method of using the antibody to detect the protein) should be examined together with group I.

In view of the foregoing, Applicants respectfully request that the present restriction requirement be withdrawn in its entirety. If the Examiner continues to believe that some type of

restriction is proper, Applicants respectfully request an explanation of the basis for the restriction under the proper standard of 37 CFR 1.475 and PCT Rule 13.